

**DECISION NOTICE**  
and  
**FINDING OF NO SIGNIFICANT IMPACT**

Chiquito, Gurule, Llaves, Ojitos, and Pollywog Range Allotments

USDA Forest Service Region 3  
Santa Fe National Forest  
Cuba Ranger District  
Rio Arriba County, New Mexico

**INTRODUCTION:** In August 2004, an Environmental Assessment (EA) was finalized for the Chiquito, Gurule, Llaves, Ojitos, and Pollywog Range Allotments. The EA describes the probable environmental effects of the proposed action and two alternatives, including a no grazing alternative. It also prescribes specific mitigation and monitoring requirements to mitigate the risk of adverse impacts to natural resources, including guidelines to follow during implementation. The EA is available at the Cuba Ranger District Office in Cuba, New Mexico and on the Forest website at [www.fs.fed.us/r3/sfe/](http://www.fs.fed.us/r3/sfe/).

**DECISION AND RATIONALE:** I have decided to approve the grazing management strategy developed as Alternative 3 in the EA. Alternative 3 best meets the purpose and need as stated in the EA (Section 1.1). It will:

- Provide for management flexibility to respond to changing resource conditions as well as provide for satisfactory range management status and allow for more even distribution of livestock by incorporating adaptive management strategies,
- Improve soil retention and vegetative growth along arroyos by constructing restoration dams in two arroyos on the Chiquito and Pollywog allotments,
- Control invasive plant species by hand treating occurrences of musk thistle, and
- Provide for unimpeded and safer wildlife travel by removing four miles of unneeded fence on the Llaves allotment.

This alternative will also contribute to the socio-economic needs associated with traditional grazing in northern New Mexico (Forest Plan pp. 17, 82) and agency policy objectives for National Forest range management programs (Forest Service Manual 2202.1). The grazing management strategy under Alternative 3 is presented in the following table.

**Table 1: Grazing Management Strategy**

	<b>Chiquito</b>	<b>Gurule</b>	<b>Llaves</b>	<b>Ojitos</b>	<b>Pollywog</b>
No. of Pastures	4	4	7	8	5
New Range Structures					
Earthen Tanks	1	1	1	3 (2 rebuilds)	1
Restoration Dams	4				8
Corrals		1		1	
Wells		1 (repair)			
Fences (miles)			-3.5		1.75
Grazing System	Deferred Rotation	Deferred Rotation	Deferred Rotation	Rest Rotation	Deferred Rotation
Authorized AUM Range	450-1200	450-850	800-1500	250-950	800-1500
Normal Season	5/15 – 11/30	5/1 – 11/15	5/1 – 12/31	5/1 – 11/30	5/1 – 12/31

Range facilities authorized under this alternative include:

Chiquito Allotment:

- Construction of an earthen stock water pond
- Construction of four erosion control dams

Gurule Allotment:

- Repair or replacement of a well
- Construction of an earthen stock water pond
- Construction of a new corral

Llaves Allotment:

- Removal of four miles of fence
- Construction of 0.5 mile new fence
- Construction of an earthen stock water pond

Ojitos Allotment:

- Construction of a new corral
- Reconstruction of an earthen stock water pond
- Construction of an earthen stock water pond
- Expansion of an existing earthen stock water pond
- Treatment of an existing population of musk thistle

Pollywog Allotment:

- Construction of 1.75 mile new fence
- Construction of eight erosion control dams
- Construction of an earthen stock water pond

Alternative 3 also incorporates a monitoring program. Monitoring will include periodic inspections to ensure compliance with permit terms and conditions. Range readiness will be monitored before the grazing season begins, stubble heights may be measured during the grazing season and utilization will be monitored at the end of the season. Vegetation composition and trend will be monitored at five-year intervals. Two archaeological sites on each allotment will be monitored annually for the purpose of assessing grazing related effects.

In making my decision, I considered the probable environmental effects of the proposed action and alternatives disclosed in the EA and the effects on the livelihood and well-being of the grazing permittees. Overall, I believe Alternative 3 adequately balances the need to manage National Forest System lands and resources with the permittees' need to maintain an economically viable grazing operation.

**PUBLIC INVOLVEMENT AND SCOPING:** The proposed project was listed in the Santa Fe National Forest Schedule of Proposed Actions in the November 2003 edition. This list is distributed to numerous individuals and can be accessed on the Santa Fe National Forest website. A detailed project proposal was provided to 39 individuals, agency representatives, and interested tribes for comment during scoping in March 2004. Six individuals and organizations responded during the scoping period. Throughout the planning process, numerous meetings were held with the allotment permittees. This project was also included on a list of proposed activities submitted to interested tribes. Comments received were used to help define the current situation, develop project objectives and alternatives, and identify issues. Issues raised during the planning process were addressed through project design criteria, the application of Forest Plan standards and guidelines, and project-specific mitigation measures. No key issues were identified during the analysis process.

On June 16, 2004, a proposed action with preliminary alternatives and effects analyses was provided to interested individuals and organizations in the format of a pre-decisional EA for public comment, and a legal notice inviting public comment was published in the Albuquerque Journal on June 19, 2004. The public comment period ended July 19, 2004. Five comments were received in response to the 30-day public comment period. I reviewed all responses from the 30-day comment period and identified substantive comments (Project Record 29).

**ALTERNATIVES CONSIDERED:** The alternatives considered in detail appropriately defined the scope of the analysis and represented a range of reasonable alternatives within that scope. They included: Alternative 1 – a no grazing alternative (No Action); Alternative 2 - the Forest Service proposed action; and Alternative 3 - a modified version of the proposed action. Modifications under alternative three include construction of a corral on the Gurule allotment and construction of four restoration dams on the Chiquito Allotment. This alternative also eliminates specific time tables for completing facility work, as work on individual facilities will only be initiated when such work will help move the range resources toward desired conditions.

**Selected Alternative:**

*Alternative 3 was selected* – This alternative will meet Forest Service Policy (FSM 2202.1) and the Forest Plan objective (pp. 17 and 82 of the SFNF Plan) for contributing to the social and economic needs associated with grazing in northern New Mexico. Among the action alternatives, this alternative best meets the stated purpose and need.

**Alternatives Not Selected:**

*Alternative 1* was not selected. This alternative would not meet Forest Service Policy (FSM 2202.1) and the Forest Plan objective (pp. 17 and 82 of the SFNF Plan) of contributing to the social and economic needs associated with grazing in northern New Mexico.

*Alternative 2* was not selected. This alternative would meet Forest Service Policy (FSM 2202.1) and the Forest Plan objective (pp. 17 and 82 of the SFNF Plan) for contributing to the social and economic needs associated with grazing in northern New Mexico. However, while it meets many components of the purpose and need, it would not address erosion in an arroyo in the Chiquito allotment. Also, this alternative does not provide as much management flexibility to respond to changing environmental conditions as the selected alternative.

**APPEALS AND IMPLEMENTATION:** This decision is subject to appeal pursuant to 36 CFR 215 by individuals or organizations that submitted substantive comments during the comment period (36 CFR 215.6). The appeal must be filed (regular mail, fax, email, hand-delivery, or

express delivery) with the Appeal Deciding Officer. Submit appeals to: Appeal Deciding Officer, Gilbert Zepeda, Forest Supervisor, Santa Fe National Forest, P.O. Box 1689, 1474 Rodeo Road, Santa Fe, NM 87504-1689, fax: (505) 438-7834, email: [appeals-southwestern-santafe@fs.fed.us](mailto:appeals-southwestern-santafe@fs.fed.us) (.doc, .rtf or .txt formats only). If hand delivered, the appeal must be received at the above address during business hours (Monday – Friday 8:00 am to 4:30 pm), excluding holidays. The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals.

Appeals, including attachments, must be in writing, fully consistent with 36 CFR 215.14, and filed (postmarked) within 45 days following the date the legal notice is published in the Albuquerque Journal. This publication date is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframes provided by any other source.

Permittees on the Chiquito, Gurule, Llaves, Ojitos, and Pollywog Allotments may appeal the Decision under 36 CFR 215 or 36 CFR 251, but not both. Under 36 CFR 251, a Notice of Appeal must be consistent with 36 CFR 251.90 and filed simultaneously with Forest Supervisor Gilbert Zepeda, Appeal Deciding Officer (above listed address) and Cuba District Ranger, Steve Romero (U.S. Highway 550, P.O. Box 130, Cuba, NM 87013; fax: (505) 289-0232) within 45 days from the date of publication of legal notice in the Albuquerque Journal.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, five business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15<sup>th</sup> business day following the date of the last appeal disposition.

**FINDING OF NO SIGNIFICANT IMPACT:** Based on the EA, I have determined that the Chiquito, Gurule, Llaves, Ojitos, and Pollywog Allotment Grazing Management Program is not a major federal action that will significantly affect the quality of the human environment; therefore, an Environmental Impact Statement will not be prepared. This determination is based on the following:

1. *Beneficial* as well as *adverse impacts* were considered (EA, Section 3). The socio-economic needs associated with traditional grazing in northern New Mexico (Forest Plan pp. 17, 82) and agency policy objectives for national forest range management programs (Forest Service Manual 2202.1) will be maintained under this alternative.
2. Under Alternative 3, there would be little or no adverse impacts to *public health or safety*. No vegetation manipulation is being proposed and as such there would be no associated safety concerns such as those related to smoke from burning or heavy traffic from hauling timber.
3. *Unique characteristics* – Two small inventoried roadless areas overlap portions of the Pollywog, Ojitos, and Llaves allotments. No road construction or associated road management activities are proposed in these areas. Activities associated with Alternative 3 will not adversely impact any historic or cultural resources, wetlands, ecologically critical areas, parklands, prime farmlands, or other resources considered to have unique characteristics.
4. The effects of managing grazing on the allotment on the quality of human environment are not likely to be *highly controversial*. The effects disclosed in Section 3 of the EA are based

on the best available information and the judgment of resource management professionals considered by the courts to be experts in their fields, who have applied their knowledge and expertise to similar projects on National Forest System lands and resources in the past. The predicted environmental consequences are based on known effects of actual management practices in this area, common resource management practices described in agency directives, prescribed in Forest Plans, and used by other land management agencies.

5. The environmental effects are typical for this type of project and do not involve *unique or unknown risks*. As stated previously, the effects described in the EA are based on the best available information and the judgment of resource management professionals. The EA does not indicate there will be any highly uncertain impacts.
6. The decision to authorize grazing on the Chiquito, Gurule, Llaves, Ojitos, and Pollywog Allotment grazing permits does not establish any *future precedent* for other actions that may have a significant effect. Future actions will be evaluated through the NEPA process and will stand on their own as to environmental effects.
7. *Cumulative effects* for wildlife, watershed, air, and other resources were considered and disclosed in Section 3 of the EA. No other past or future actions in the area will combine with the effects of this project to cause any cumulatively significant impacts. Implementation is expected to have primarily beneficial effects.
8. The grazing management program proposed in Alternative 3 (EA, Section 3.7) will not adversely affect properties listed in or eligible to the National Register of Historic Places, and will not cause the loss or destruction of significant scientific, cultural, or historical resources. Consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act has been completed and the SHPO concurred with the *no adverse effect* determination.
9. The grazing management program proposed in Alternative 3 will have no effect on any plant or animal species listed or proposed for listing under the Endangered Species Act (Section 3.6). Approximately 30 acres of a Protected Activity Center (PAC) overlaps the eastern most boundary of the Chiquito allotment. Cattle grazing does not occur in this portion of the allotment due to steep slopes. The remaining portion of the PAC lies outside the allotment analysis area and will not be affected. The resource specialist informally consulted with the U. S. Fish and Wildlife Service and determined this project would have No Effect on the Mexican spotted owl or proposed critical habitat (Project Record # 27), as such, formal consultation with the U.S. Fish and Wildlife Service was not required. This determination meets the criteria designated in the USDA guidance criteria for a no effect determination.
10. Alternative 3 is in compliance with all *federal, state and local* laws or requirements imposed for environmental protection. The actions are consistent with the Santa Fe National Forest Plan.

**FINDINGS REQUIRED BY OTHER LAWS:** The Chiquito, Gurule, Llaves, Ojitos, and Pollywog Allotments are located in Forest Plan Management Areas G, I, L, R, and S, which emphasize a variety of management prescriptions as detailed in the EA (Section 1.4). The Forest Plan analysis process established the suitability of the allotment for grazing (Santa Fe Forest Plan EIS, Appendix B, Description of Analysis Process). Alternative 3 is fully consistent with Forest Plan standards and guidelines for these management areas as well as with forest-wide standards and guidelines established in the Forest Plan.

Implementing Alternative 3 will not threaten any wildlife species or habitats, including those classified as management indicator species in the Forest Plan as well as migratory birds and Region 3 sensitive species (EA, Section 3.6). A Biological Assessment and Evaluation for threatened, endangered, and sensitive species is included in the Project File (Project Record # 27).

Alternative 3 will not impair land productivity and is therefore, consistent with the Multiple-Use Sustained-Yield Act of 1960, as amended. Impaired soils in the allotment are generally concentrated in areas where sage treatments occurred in the 1960s and where these same areas were subsequently seeded with crested wheatgrass. These areas are currently showing an upward trend due to changes in grazing management over the past decades and native grasses have begun to return to the area. The one exception to this is an area identified in the Chiquito allotment. Alternative 3 will address the need to improve soil condition in this area.

A heritage resource clearance has been completed, with concurrence from the State Historic Preservation Officer (Project Record # 22). No group of people, including racial, ethnic, or socio-economic group will bear a disproportionate share of any negative consequences of this action.

**INFORMATION CONTACT PERSON:** Jim Eaton, Range Staff, or Steve Romero, Cuba District Ranger, PO Box 130, Cuba, NM, 87013; 505-289-3264.

STEVE ROMERO  
District Ranger  
Cuba Ranger District, SFNF

DATE